

DECISIONS OF

# Pennsylvania Public Utility Commission

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such prices and involving such obligations and that a competitor should come into the field seeking operating rights from us on the ground that, if they were granted, it could furnish better service at lower fares because of its freedom from similar obligations. Would we, in such circumstances, be justified in denying the public the opportunity for better service at lower fares?"

We find that the proposed transfer to East Penn Transportation Company of rights authorized to Reading Transportation Company under a certificate of public convenience issued at Docket No. 16085, F. 87, for a consideration of \$12,000 is not necessary or proper for the service, accommodation, convenience, and safety of the public. The purchase price proposed to be paid for the operating rights and good will is excessive and not in the public interest; **THEREFORE,**

NOW, to wit, December 29, 1941, **IT IS ORDERED:** That the approval of the joint application of East Penn Transportation Company and Reading Transportation Company of the transfer of the rights authorized to Reading Transportation Company under a certificate of public convenience issued at Docket No. 16085, F. 87 be and is hereby denied.

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**APPLICATION OF THE DELAWARE, LACKAWANNA &  
WESTERN RAILROAD COMPANY**

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**APPLICATION DOCKET No. 60172**

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*Railroads (status of stations).*

The Commission denied an application to change the status of a station from an agency to a non-agency station to effect economies to the railroad when it appeared the change in status would unduly inconvenience the public.

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*G. W. Morgan* for Applicant.

*Richard B. Sheridan* for Protestants.

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**BY THE COMMISSION, December 29, 1941:**

The Delaware, Lackawanna and Western Railroad Company maintains on the Bloomsburg Branch of its Scranton Division an agency passenger, baggage and freight station at the Village of Hunlock

Creek, Hunlock Township, Luzerne County, located about 3.42 miles west, timetable direction by rail and approximately the same distance by highway of its agency passenger, baggage and freight station at West Nanticoke, Luzerne County, and 5.61 miles east, timetable direction by rail and approximately the same distance by highway of the agency passenger, baggage and freight station of the railroad company, at Shickshinny, Luzerne County.

In the instant proceeding, The Delaware, Lackawanna and Western Railroad Company seeks Commission approval of the change in status of its agency passenger, baggage and freight station at Hunlock Creek, Hunlock Township, Luzerne County, to a non-agency passenger, baggage and freight station and to place Hunlock Creek station under the jurisdiction of its agency passenger, baggage and freight station at West Nanticoke, Luzerne County.

The record shows that station facilities at Hunlock Creek include the station building, a passing siding, a team track, a private siding for Stanley C. Croop and a private siding for Luzerne County Gas and Electric Corporation. The team track and sidings will be continued in event the application for a change in the status of the station is approved.

The record further shows that Hunlock Creek station is maintained as a full-time agency station and that an agent serves Hunlock Creek station between the hours of 7:20 A. M. and 6:50 P. M. with intermittent service. In event of the approval of the instant application the station at Hunlock Creek will be placed under the jurisdiction of the agency station at West Nanticoke.

Luzerne County Gas and Electric Corporation and Luzerne County Commissioners are on the credit or accommodation list of the railroad company. The testimony shows that the business of these patrons constitutes approximately 25% of the station's revenue. Stanley C. Croop and W. B. Calendar, protestants at the hearing, are patrons of the railroad company at Hunlock Creek station. Schooley & Son, Sherman Milling Company and John B. Yeager are numbered among the larger consignors of farm supplies and stock feed to Hunlock Creek station. The testimony shows that, in addition to the parties just mentioned, one manufacturer and a number of business houses located in Hunlock Creek Village and its adjacent area ship and receive freight at Hunlock Creek station. Testimony adduced at the hearing shows that small communities other than Hunlock Creek use Hunlock Creek station for the receipt and shipment of freight. Passenger service is provided by two trains in each direction daily.

Passenger tickets are not sold at the station and fares are paid on trains. In event the application is approved no change will be made in the present passenger train service. Testimony discloses that the railroad company expects to save the cost of heating in event the application is approved. Therefore, it appears the station would not remain heated for the convenience of passengers. United States mail is now conveyed between mail trains and post office by the station agent of the railroad company under the terms of a contract between the United States Government and the railroad company, and testimony shows that no arrangements for handling mail between trains and post office have been made in event the application is approved. Express is now handled at Hunlock Creek station but this service will be abolished in event the application is approved. No baggage or milk is handled at the station and perishable goods are handled by express at Hunlock Creek station. Local freight service, which includes carload and less-than-carload-lot shipments, is provided by one eastbound train and one westbound train daily except Sunday and holidays. Motor pick-up and delivery service is not available at Hunlock Creek station. Hall Motor Truck Company makes freight deliveries to Hunlock Creek, and Pennsylvania Greyhound Lines, Inc. operate both eastbound and westbound through Hunlock Creek. The telephone toll charge between Hunlock Creek station and West Nanticoke is 10¢ per call. There is no telephone charge between Hunlock Creek and Shickshinny. A public telephone is now maintained by the railroad company in the Hunlock Creek station building.

The railroad submitted a statement to show the total net revenue derived from the operation of its agency station at Hunlock Creek during 1938, 1939, 1940 and the first three months of 1941 is as follows:

## REVENUE

Year	<i>Inbound Freight</i>		<i>Net Revenue</i>	<i>Outbound Freight</i>	
	<i>Mds. and Bit. Coal Lbs.</i>	<i>Anthracite Coal Gr. Tons</i>		<i>Lbs.</i>	<i>Net Revenue</i>
1938	5,196,354	17,154.07	\$15,686.14	45,179	\$51.37
1939	4,606,809	18,222.02	15,965.85	30,499	40.18
1940	4,239,076	2,595.12	4,515.37	30,366	89.83
1941 (3 mo.)	622,920		665.06	874	4.51

Year	<i>Passenger</i>		<i>Demurrage, Storage, etc.</i>	<i>Net Revenue</i>
	<i>Inbound</i>	<i>Outbound</i>		
1938	\$29.61	\$37.25	\$28.61	\$15,832.98
1939	185.42	204.58	79.05	16,475.03
1940	177.27	206.82	22.25	5,011.54
1941 (3 mo.)	0.35	37.05	16.51	723.48

The tabulation shows that the annual net freight revenue declined considerably in 1940. Witness attributes this decline in revenue to a reduction in the amount of coal shipments. The tabulation shows that the passenger revenue in 1939 and 1940 was greatly in excess of that of 1938 and the portion of applicant's Exhibit No. 1, showing revenue by months, shows that during the first three months of 1941 the passenger revenue was in excess of the passenger revenue received during the corresponding months of 1938, 1939 or 1940.

In event the status of Hunlock Creek station is changed, the present freight train service at Hunlock Creek station will be continued. Carload freight shipments will be handled as at present, except billing will be from the next agency station beyond Hunlock Creek. Less-than-carload shipments will have to be prepaid, and shipments from Hunlock Creek to consignees not on the credit or accommodation list of the railroad company will have to be collect unless the shipper prefers to prepay the shipment by making payment at the nearest agency station. All requests for cars or notices of shipment will be handled through the railroad company's agents at West Nanticoke station in event the application is approved. Applicant's testimony shows that the railroad company proposes to employ a caretaker who will permit patrons to gain access to the freight station at fixed periods of time in the forenoon and afternoon, daily.

A representative of the railroad company testified that the present annual expense incident to the operation of the station at Hunlock Creek is as follows:

Agent's wages .....	\$1,713.60	
Heating .....	35.00	
Telephone .....	27.00	
Maintenance (approximate) .....	50.00	
		\$1,825.60

The witness testified that this expense will be saved to the railroad company if the station is closed.

Protest against the proposed change in status of Hunlock Creek station was filed with the Commission by a number of business and manufacturing representatives of Hunlock Creek and the surrounding area who use the railroad facilities and eight protestants appeared at the hearing and offered testimony to show that the proposed change in the status of the Hunlock Creek station of the railroad company would deprive the community of railroad service and facilities used by the public.

Upon full and careful consideration of the matters and things involved, it appears that the proposed change in status of the Hunlock Creek station from an agency to a non-agency station would cause inconvenience to the public. We cannot find that the proposed change in the status of the station is necessary or proper for the service, accommodation, convenience or safety of the public; THEREFORE,

NOW, to wit, December 29, 1941, IT IS ORDERED: That the prayer of the instant petition be and is hereby denied.

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APPLICATION OF PENNSYLVANIA RAILROAD COMPANY

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APPLICATION DOCKET No. 60495

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*Crossings—Bridges.*

The Commission authorized the removal of a bridge over the tracks of a railroad where it appeared it was in a decrepid condition constituting a fire hazard and no longer required by public convenience since two other bridges nearby afforded adequate transportation facilities to the public.

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*L. K. Connell* for Applicant.

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BY THE COMMISSION, *December 29, 1941:*

At a point in the 41st Ward of the City of Philadelphia about 13.9 miles, by rail, east of Broad Street station of The Pennsylvania Railroad Company, Pennypack Street (formerly Ferry Lane) is carried across and above the grade of the four main tracks and right of way of the Philadelphia Terminal Division of The Pennsylvania Railroad Company by means of an iron and timber bridge approximately 176 feet in length. The instant petition seeks Commission approval of the abolition of the existing crossing above grade, and the allocation of the costs and expenses incident thereto.

The record shows that the existing bridge consists of a through iron truss span 83 feet in length supported upon stone masonry piers with timber trestle approaches. The bridge provides a timber plank roadway about 16 feet 5 inches in width, and one timber sidewalk about 4 feet 9 inches in width. The highway approaches to the existing bridge consist of a bituminous surfaced telford base approximately 15 feet in width and ascend on a 5% grade from each direction toward the existing bridge.